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BY ECF

Hon. Frederic Block
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Joseph Petillo
11 Cr 791 (FB)

Dear Judge Block:

I recently filed a Notice of Appearance on behalf of Joseph Petillo in the case. I write to notify Your Honor that I have a potential conflict of interest. In this regard, it is my understanding that a witness for the government against Mr. Petillo may be an individual whom I represented briefly in the past, named Reynold Maragni.

Prior to filing my Notice of Appearance for Mr. Petillo, I spoke to the government about this issue and it was agreed that the conflict was waivable so long as Mr. Petillo understood, among other things, that I would be prohibited from cross-examining or commenting upon Mr. Maragni at trial, and that alternate counsel would be needed for that specific purpose.

Scott Leemon, Esq, who also represents Mr. Petillo and has no conflict of interest, has discussed this issue with Mr. Petillo. Mr. Petillo is prepared to provide Your Honor with a waiver in accordance with the procedures set forth in United States v. Curcio, 680 F.2d 881 (2d Cir. 1982), if the Court's calendar permits, at the status conference presently scheduled for 2:30 p.m. this Friday.

Respectfully yours,

/JRF/

James R. Froccaro, Jr.

JRF:tp